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September 18, 2018

Via ECF

Honorable District Judge Valerie E. Caproni
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: **Romero, et al. v. RSK Construction, Inc., et al.**
18-CV-0903 (VEC)

Dear Judge Caproni:

We represent the Plaintiff in the above-referenced matter and we submit this letter to provide a status update and to request an adjournment of the September 21, 2018 Initial Conference as Defendants have yet to appear in this matter.

Plaintiff electronically filed this action on August 16, 2018 and a summons was issued by the Clerk of the Court on August 16, 2018. On August 21, 2018, our office mailed copies of the Summons and Complaint to be served upon Defendants to our process server, Anke Judicial Services, Inc.

In light of the parties' obligation to file a joint status letter and the upcoming Initial Conference on September 21, 2018 at 10:00 a.m., our office recently contacted our process server regarding this matter as we had yet to receive executed summons for all Defendants. We have received and filed affirmations of service as to Defendants Andy Morales, Carlos Morales, Real Innovative Construction LLC (filed on the docket as entries #7-9). They must respond to the Complaint by October 4, 2018. If any of the Defendants fail to respond within 30 days of service, Plaintiffs are prepared to file a motion for a default judgment.

Our process server has indicated that it is currently serving corporate defendant RSK Construction, Inc. through the Secretary of State and we will file the affidavit of service as to that defendant as soon as we receive it. Our process server attempted to serve the defendant at the business address, but were unable to effectuate service at that address.

In accordance with Your Honor's Notice of Initial Pre-Trial Conference, the parties may not necessarily receive an adjournment of the Initial Conference on the ground that one or more Defendants have not been served or answered prior to the Initial Conference. As such, Plaintiffs remain available appear at the Initial Pre-Trial Conference on September 21, 2018, however, it is very unlikely that Defendants will appear as not all Defendants have been served to date and we have not had any contact with the Defendants who have been served nor any attorneys on behalf of any Defendants.

Plaintiffs believe that an adjournment of 30 days of the Initial Conference, in order to allow Plaintiffs to serve the remaining defendants and give defendants time to respond to the Complaint, may be in the best interests of all parties and the Court.

We thank Your Honor for her consideration on this matter.

Respectfully submitted,

/s/Roman Avshalumov
Roman Avshalumov, Esq.